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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,426	03/21/2001	Timothy S. DeBruine	1104-041	4082

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EXAMINER	
DIVECHA, KAMAL B	

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/814,426	DEBRUINE ET AL.	
	Examiner	Art Unit	
	KAMAL B. DIVECHA	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 September 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-47* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-47* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Arguments

Claims 1-47 are pending in this application.

Claims 44-47 are newly added claims.

Applicant's arguments with respect to claims 1-47 have been considered but are moot in view of the new ground(s) of rejection, as necessitated by the substantial amendments to the claims through the incorporation of "plurality of nodes" and "the plurality of nodes in the peer-to-peer public network" in the independent claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 7, 8, 13, 19, 20, 25, 31, 32 and 44-46 are rejected under 35 U.S.C. 102(e) as anticipated by Teodosiu et al. (hereinafter Teodosiu, US 2002/0062336 A1).

As per claim 1, Teodosiu discloses a method for optimizing private network file transfers in a peer-to-peer public network, the peer-to-peer public network including a server and a plurality of nodes, wherein at least two of the plurality of nodes are part of the same private network (fig. 1 and pg. 9 [0124]), the method comprising the steps of:

(a) receiving by the server a search request from a first node of the plurality of nodes in the peer-to-peer public network for a file (fig. 2 item #210, fig. 4 item #410, pg. 4 [0045]) ;

(b) determining by the server that the file is stored on a second node of the plurality of nodes in the peer-to-peer network (fig. 2 item #240, fig. 4 item #430, pg. 4 [0047-0049]);

(c) determining by the server that the first and second nodes are part of the same private network (fig. 2 item #250, pg. 3 [0037], pg. 4 [0047-0049]); and

(d) sending instructions by the serer to the first node to request the file from the second node, such that the second node transfers the file to the first node over the private network (fig. 4 item #460, 425, pg. 3 [0035-0037], pg. 4 [0045-0053], pg. 6 [0077-0081]).

As per claim 7, Teodosiu discloses the process further including the process of allowing a user of the first node to enter search terms for finding a particular file (pg. 4 [0045]: a peer device enters the resource request, i.e. search request, [0053]).

As per claim 8, Teodosiu discloses the process further including the process of querying a database containing file names with the search terms to find the file names matching the search terms, and identifying nodes containing the matching file, including the second node (pg. 4 [0045-0053], pg. 5 [0057-0069]).

As per claim 44, Teodosiu discloses the process of receiving by the server the search request from the first node including at least one search item identifying the file, and step comprises querying the data base relating each one of number of files including the file and at least one of the plurality of nodes in the peer-to-peer public network storing the one of the number of files using the at least one search item to identify at least one of the plurality of nodes including the second node storing the file (pg. 4 [0045-0053], pg. 5 [0057-0069]).

As per claims 13, 19, 20, 25, 31, 32 and 45-46, they do not teach or further define over the limitations in claims 1, 7, 8 and 44. Therefore claims 13, 19, 20, 25, 31, 32 and 45-46 are rejected for the same reasons as set forth in claims 1, 7, 8 and 44.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 2-6, 9-12, 14-18, 21-24, 26-30, 33-43 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teodosiu et al. (hereinafter Teodosiu, US 2002/0062336 A1) in view of Mayes et al. (hereinafter Mayes, US 6,510,154 B1).

As per claim 2, Teodosiu discloses the process of registering the IP addresses of the peer nodes in a peer-to-peer network with the server (pg. 2 [0030-0031], pg. 3 [0035-0036], [0041],

pg. 4 [0047-0049], pg. 5 [0057-0067]), however Teodosiu does not disclose the process of registering peer or client IP addresses and a subnet mask.

Mayes discloses the process of storing the global IP address and the local client IP addresses, a routing table (col. 4 L55 to col. 5 L26, fig. 2 item #40, col. 11 L37-58).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Teodosiu in view of Mayes in order to include the global IP address, local IP address and the subnet mask of the peer nodes in the registration table.

One of ordinary skilled in the art would have been motivated because IP addresses and the subnet mask are the well-known network parameters (See Mayes, col. 11 L37-57).

As per claim 3, Teodosiu's teaching as set forth in claim 1 above still applied, However Teodosiu does not teach the process including whether network address translation has been performed on the first and second nodes and whether the first and second nodes are directly reachable from other nodes on the public network or unreachable.

Mayes, explicitly discloses a network address translation system that performs the address translation when required on the first and second nodes when the first and second nodes are directly reachable from other nodes on the network or unreachable (fig. 2, fig. 3, fig. 5, col. 3 L49-52, col. 4 L55 to col. 5 L26).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Teodosiu in view of Mayes in order to include an address translation system.

One of ordinary skilled in the art would have been motivated because it would have enabled the communication between the local client and the internet destination (Mayes, col. 5 L6-19).

As per claim 4, Teodosiu does not disclose the process of determining that NAT has been performed on a particular node when the node's client IP address does not match the node's peer IP address.

Mayes, explicitly discloses a network address translation system that performs the address translation when required on the first and second nodes when the first and second nodes are directly reachable from other nodes on the network or unreachable, wherein after translation the client IP address and the global IP address are different (fig. 2, fig. 3, fig. 5, col. 3 L49-52, col. 4 L55 to col. 5 L26: network address translation is performed in order to enable the node to communicate with the intended Internet destination, translating the local IP address with the global IP address).

Therefore it would have been obvious to the one of ordinary skilled in the art at the time the invention was made to modify Teodosiu in view of Mayes in order to determine that the NAT has been performed on a particular node when the node's client IP address does not match the node's peer IP address, as is always the case in NAT systems.

One of ordinary skilled in the art would have been motivated because of the same reasons as set forth in claim 3.

As per claim 5, Teodosiu discloses the process of determining that a particular node is directly reachable from other nodes on the public network when the server can connect with the node using the node's client IP address (pg. 4 [0044-0047], and pg. 5 [0057-0068]: server returns

the locations, i.e. IP address of peer nodes, to the requesting peer node, for the direct connection).

As per claim 9, Teodosiu discloses the process of determining that the second node is part of the same private network as the first node, and therefore locally reachable by the first node, when the NAT has not been performed on either the first and second nodes and the subnet Ids of each first and second nodes match (pg. 3 [0035-0037], pg. 4 [0044-0049]).

As per claim 10, Teodosiu discloses the process of returning a list of search results from the server to the first node, where the list includes the identities and addresses of the matching nodes, IP addresses and subnet masks (pg. 4 [0044-0049]).

As per claim 11, Teodosiu discloses the process further including the process of sorting the search results first by locally reachable nodes followed by the directly reachable nodes (pg. 5 [0057-0069]).

As per claim 12, Teodosiu discloses the process further including the process of sending the client IP address of the second node to the first node such that the first nodes sends a request for the file to the second node using the client IP address of the second node and sending the file from the second node to the first node using the client IP address of the first node (pg. 4 [0044-0047], fig. 2, fig. 4).

As per claim 47, Teodosiu discloses the process of receiving by the server the search request from the first node including at least one search item identifying the file, and step comprises querying the data base relating each one of number of files including the file and at least one of the plurality of nodes in the peer-to-peer public network storing the one of the

number of files using the at least one search item to identify at least one of the plurality of nodes including the second node storing the file (pg. 4 [0045-0053], pg. 5 [0057-0069]).

As per claims 6, 14-18, 21-24, 26-30, 33-36, 37-43, they do not teach or further define over the limitations in claims 2-5, 9-12 and 47. Therefore claims 6, 14-18, 21-24, 26-30, 33-36, 37-43 are rejected for the same reasons as set forth in claims 2-5, 9-12 and 47.

Additional References

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Dutta et al., US 6,636,854 B2: Search Engine in a Peer-to-Peer Network.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAMAL B. DIVECHA whose telephone number is 571-272-5863. The examiner can normally be reached on Increased Flex Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kamal Divecha
Art Unit 2151
November 14, 2006.

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